

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                               |   |                        |
|-------------------------------|---|------------------------|
| IN RE: NEW ENGLAND            | ) |                        |
| COMPOUNDING PHARMACY, INC.    | ) |                        |
| PRODUCTS LIABILITY LITIGATION | ) |                        |
|                               | ) | MDL No. 13-md-2419-RWZ |
| v.                            | ) |                        |
|                               | ) |                        |
| This Document Relates to:     | ) |                        |
|                               | ) |                        |
| All Cases                     | ) |                        |

**NOTICE OF WITHDRAWAL OF MOTION BY LIBERTY INDUSTRIES, INC.**

Defendant, Liberty Industries, Inc., (“Liberty”) hereby withdraws the motion filed today captioned *Joinder of Liberty Industries, Inc. to the Tennessee Clinic Defendants’ Motion and Memorandum in Support of Motion to Reconsider and Revise Specific Provisions in MDL Order No. 6 to Allow all Parties Equal Access to the Documents Produced by NECC to the PSC* (Dkt. No. 1063) (“Joinder”). As grounds therefore, Liberty states that it has reached an agreement with the Plaintiffs’ Steering Committee which obviates the need for the Joinder.

WHEREFORE this Court is requested to disregard the Joinder because it has been withdrawn.

Respectfully submitted,

LIBERTY INDUSTRIES, INC.,  
By its attorneys,

/s/ Peter G. Hermes

Peter G. Hermes, BBO No. 231840  
phermes@hermesnetburn.com  
Scott S. Spearing, BBO No. 562080  
sspearing@hermesnetburn.com  
Dianne E. Ricardo, BBO No. 675586  
dricardo@hermesnetburn.com

HERMES, NETBURN, O'CONNOR  
& SPEARING, P.C.  
265 Franklin Street, 7<sup>th</sup> Floor  
Boston, MA 02110  
(617) 728-0050 (T)  
(617) 728-0052 (F)

Dated: April 7, 2014

**CERTIFICATE OF SERVICE**

Pursuant to Local Rules 5.2(b)(2) and 5.4 of the Local Rules of the United States District Court for the District of Massachusetts, I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent by first-class mail to those indicated as non-registered participants, if any, on April 7, 2014.

/s/ Peter G. Hermes  
Peter G. Hermes

**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that counsel for Liberty Industries, Inc. conferred with counsel for the Plaintiffs' Steering Committee and it was agreed to withdraw the afore-mentioned motion.

/s/ Peter G. Hermes  
Peter G. Hermes

G:\DOCS\DER\Cases\Great American\Liberty Industries\Pleadings & Motions\Modify MDL Order 6\Notice of Withdrawal of Joinder in MTN to Revise MDL Order No 6.docx